HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18552 of 2005

Dated 10th July, 2007

Between
VRS & VRN College, Chirala, Prakasam District,
Rep. By its Secretary & Correspondent
Smt. J.Lakshmi Bhavani

…Petitioner

and

Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Department of Higher Education,
AP Secretariat, Hyderabad, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18552 of 2005

ORDER:

Though interlocutory applications are listed for hearing, at the request of learned Counsel appearing on both sides, the Writ Petition itself is taken up for hearing and is being disposed of by this order.

This Writ Petition is filed questioning the order of the Government dated 6-7-2005 in G.O.Rt.No. 568, allowing the revision petition filed by the third respondent, by which, the order passed by the Disciplinary authority of the petitioner-college is set aside.

The petitioner is a lecturer in Chemistry. The management of the petitioner-college initiated disciplinary proceedings against the

petitioner by framing following charges:

1. Charge No.1: That Sri N Prakasa Rao, Lect.in Chemistry, VRS & YRN College, Chirala, had started an Educational Institution under the name and sty of Vidya College, and NNS Vidya College of PG Studies at Chirala and had been managing the affairs of the said Institution for which his wife, Smt. N.Rukmini Prakash is the Secretary & Correspondent of the College.
2. Charge No.II: That Sri N Prakasa Rao, Lect.in Chemistry of this College is found negligent, irresponsible and indifferent in the discharge of his duties
3. Charge No.III: That Sri N Prakasa Rao, Lect.in Chemistry has been found indulged himself in lobbying with the ICET students at the counseling held at the Nagrjuna University for admission of students in MCA course for the year 2002-2003 in the NNS Vidya College, Chirala for which his wife is the Secretary & Correspondent. His behaviour at the counseling affected the interest of the VRS & YRN college, Chirala in which he is a full time employee.
4. Charge IV: That Sri N Prakasa Rao, Lect.in Chemistry had signed the Teachers Attendance Register in token of having attended the college for the forenoon session on 26-8-2002. But, he was found absent in the department of Chemistry.
5. Charge V: That Sri N Prakasa Rao, Lect.in Chemistry had availed 20 ½ days of casual leaves including special casual leaves and 9 days earned leave and thus stayed away from duties for 30 days thus causing dislocation of work and inconvenience to the students."

Based on the enquiry, orders were passed imposing penalty of reduction in time scale from Rs.12000-420-18,300 to the minimum time scale of the next lower category of Rs.10,000-325-15,200. It is stated that against the said order, remedy of appeal is provided under the provisions of the A.P. Education Act,1982. But however, without exhausting substantive remedy of appeal, the third respondent had filed revision petition before the first respondent-Government. The first respondent-Government allowed the revision petition filed by the third respondent without recording any valid reasons.

During the course of arguments, it is submitted by the learned Counsel appearing for the third respondent that the third respondent is willing to avail remedy of appeal before the appellate authority and requested to dispose of the Writ Petition permitting him to prefer appeal against the order dated 17-4-2003 before the appellate authority as per Section 80 of the AP Education Act,1982.

In that view of the matter, the order under challenge dated 6-7-2005 in G.O.Rt.No. 568 is set aside and the third respondent is permitted to prefer appeal before the appellate authority within a period of six weeks from the date of receipt of a copy of this order. If such an appeal is filed by the third respondent, the appellate authority shall consider and dispose of the same on merits, without raising any objection with regard to limitation.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 10-07-2007.
Msnr.